A handgun ban violates the constitution by violating the second amendment right to bear arms. **Hennessey 14**

**A federal judge struck down** **the nation’s last** complete **prohibition on carrying guns outside the home, declaring** the **D**istrict of **C**olumbia**’s strict handgun ban unconstitutional.** The ruling by a judge in New York, announced late Saturday, is the latest blow to the decades-long gun law in the nation’s capital, which is plagued by violent crime. **In** a landmark decision in 20**08**, **the Supreme Court struck down the district’s handgun ban, establishing** for the first time **a personal right to own a weapon under the 2nd Amendment**. Senior District Court **Judge** Frederick J. **Scullin** Jr., a former Army colonel appointed to the court by President George H.W. Bush, ruled that the right to a weapon extended outside the home both for residents and visitors to Washington. Going well beyond the Supreme Court decision in District of Columbia vs. Heller, Scullin **found that carrying arms** outside the home for self-defense **fell within the legal definition of the right to bear arms** enunciated in the 2nd Amendment. In the Heller case, the Supreme Court did not address whether the 2nd Amendment allowed someone to carry a weapon outside the home. The high court has repeatedly turned down invitations to decide that issue. Scullin, who presides in Syracuse but was assigned the case by Chief Justice John G. Roberts Jr., relied heavily on U.S. appellate court rulings striking down public carry bans in San Diego County and Illinois. Four plaintiffs and the Second Amendment Foundation, a gun rights advocacy group, challenged the District of Columbia ban when it was rewritten following the Supreme Court ruling. The revised law allowed police to issue gun permits for self-defense inside the home. That process effectively prohibited nonresidents from obtaining permits and limited an individual's right to self-defense, according to the plaintiffs, who challenged the law in 2009. The case stalled in the crowded federal court system but was eventually assigned to Scullin with the goal of speeding up the process. Although Scullin found that Washington’s law violated 2nd Amendment rights, he said the government could place “some reasonable restrictions” on the carrying of handguns, such as bans in public schools, age restrictions and mental health requirements. Such measures amount to a “proper balance” between gun rights and public safety, he wrote in the 19-page opinion. A gun owner may simply decide not to enter a school, he said, and would experience “a lesser burden” on the right to self-defense. Scullin did not stay enforcement of his ruling pending an appeal, leading gun rights groups to assert that it was now legal to openly carry a handgun in Washington. The city is expected to seek a stay of the ruling from Scullin or a federal appeals court.

Constitutionality is key to credibility – violating the constitution proves that we’re not trustworthy. **Ginsburg 6**[[1]](#footnote--1)

Why might these issues of constitutional design vary across countries? I draw on the literature that treats constitutions as mechanisms for making political precommitments.56 A precommitment means “becoming committed, bound or obligated to some course of action or inaction or to some constraint on future action . . . to influence someone else’s choices.”57 Imagine a constitution written by a single political leader, seeking to establish legitimate authority. The politician can promise to behave in particular ways, for example, not to interfere with the rights of his or her citizens. But there is no reason for citizens to believe mere promises from their leader. A promise at Time 1 only has value if the promisee believes that it will be obeyed at Time 2. The politician thus faces the problem of making the promise credible. This problem is particularly acute when the politician cannot predict the incentives he or she will face in the future.58 If costs and benefits vary in unpredictable ways, the politician’s promise to behave in the specified way may be less believable. To paraphrase Stephen Holmes, why should people believe their leader when sober, knowing that sometimes leaders can become drunk and behave quite differently?59 Facing this problem, a rational constitutional designer might realize that it makes sense to limit her own power, in order to obtain the consent of those she governs. Democratic constitutions can help to serve this role. As Sunstein has written: “Democratic constitutions operate as ‘precommitment strategies’ in which nations, aware of problems that are likely to arise, take steps to ensure that those problems will not arise or that they will produce minimal damage if they do.”60 Constitutions help make the promises credible by imposing costs on those who violate promises.61 By tying their own hands, politicians actually can enhance their own authority.

#### International credibility solves multiple scenarios for extinction. **Nye and Armitage 07**[[2]](#footnote-0)

Soft power is the ability to attract people to our side without coercion. Legitimacy is central to soft power. If a people or nation believes American objectives to be legitimate, we are more likely to persuade them to follow our lead without using threats and bribes. Legitimacy can also reduce opposition to—and the costs of—using hard power when the situation demands. Appealing to others’ values, interests, and preferences can, in certain circumstances, replace the dependence on carrots and sticks. Cooperation is always a matter of degree, and it is profoundly influenced by attraction…The information age has heightened political consciousness, but also made political groupings less cohesive. Small, adaptable, transnational networks have access to tools of destruction that are increasingly cheap, easy to conceal, and more readily available. Although the integration of the global economy has brought tremendous benefits, threats such as pandemic disease and the collapse of financial markets are more distributed and more likely to arise without warning. The threat of widespread physical harm to the planet posed by nuclear catastrophe has existed for half a century, though the realization of the threat will become more likely as the number of nuclear weapons states increases. The potential security challenges posed by climate change raise the possibility of an entirely new set of threats for the United States to consider… States and non-state actors who improve their ability to draw in allies will gain competitive advantages in today’s environment. Those who alienate potential friends will stand at greater risk. China has invested in its soft power to ensure access to resources and to ensure against efforts to undermine its military modernization. Terrorists depend on their ability to attract support from the crowd at least as much as their ability to destroy the enemy’s will to fight.

1. Tom Ginsburg 6 (Professor of Law and Political Science, University of Illinois, Urbana-Champaign). “LOCKING IN DEMOCRACY: CONSTITUTIONS, COMMITMENT, AND INTERNATIONAL LAW.” 2006. http://works.bepress.com/tom\_ginsburg/12/ [↑](#footnote-ref--1)
2. [Joseph Nye (University Distinguished Service Professor at Harvard University, and previous dean of Harvard University's John F. Kennedy School of Government) and Richard Armitage (13th United States Deputy Secretary of State, the second-in-command at the State Department, serving from 2001 to 2005), “CSIS Reports – A Smarter, More Secure America”, 11/6, 2007 http://www.csis.org/component/option,com\_csis\_pubs/task,view/id,4156/type,1/] [↑](#footnote-ref-0)